IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

Crl.MC.No. 265 of 2007()

CC.688/2006 of JUDL.MAGISTRATE OF FIRST CLASS, KOLENCHERRY

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PETITIONER: DEFACTO COMPLAINANT

NADIYA MOL,
D/O.MUHAMMADALI, NADUVELIL HOUSE,
PERUMATTOM KARA VELLOORKUNNU VILLAGE,
MUVATTUPUZHA TALUK, ERNAKULAM DIST.

BY ADV. SRI.SIRAJ KAROLY

RESPONDENTS: COMPLAINANT

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1. THE SUB INSPECTOR OF POLICE,
KUNNATHUNADU, REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SHIHAB, S/O.MUHAMMED,
KOPPARAMBIL HOUSE, PATHALAPARAMBU BHAGAM,
IRAPURAM VILLAGE, IRAPURAM KARA,
KUNNATHUNADU TALUK, ERNAKULAM DIST.

3. NABEESA, W/O MUHAMMED,
KOPPARAMBIL HOUSE, PATHALAPARAMBU BHAGAM,
IRAPURAM VILLAGE, IRAPURAM KARA,
KUNNATHUNADU TALUK, ERNAKULAM DIST.

4. MUHAMMED, S/O. LATE HAIDROSE,
KOPPARAMBIL HOUSE,
PATHALAPARAMBU BHAGAM,
IRAPURAM VILLAGE, IRAPURAM KARA,
KUNNATHUNADU TALUK, ERNAKULAM DIST.

BY P.P. SRI.S.U. NAZAR.
BY ADV. SRI.M.V.JOY

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 265 OF 2007

Dated this the 2nd day of February, 2007

ORDER

The petitioner is the de facto complainant in a prosecution initiated against respondents 2 to 4 (accused 1 to 3) for the offences punishable under Secs.498A and 323 read with Sec.34 of the IPC. Cognizance has been taken on the final report submitted by the police, after due investigation. The petitioner has come to this Court with a request to quash the prosecution initiated against the accused persons. They are husband, mother-in-law and father-in-law respectively to the petitioner. Respondents 2 to 4 have also entered appearance. The learned counsel for both sides submit that the matter has been settled between the parties amicably and they have entered into Annexure-V agreement. The disputes between them having been settled, the spouses are now residing together along with their child. Continuance of the prosecution is an unnecessary irritant in their relationship and, in these circumstances, it is prayed that the powers under Sec.482 of the Cr.P.C. may be invoked to

prematurely bring to termination C.C.No.688/06 pending before the learned Judicial Magistrate of the First Class, Kolenchery.

2. The offence under Sec.498A of the IPC is not compoundable. But notwithstanding the fact that the offence is not compoundable, it is perfectly permissible for this Court to invoke the powers under Sec.482 of the Cr.P.C. as approved in **B.S. Joshy v. State of Haryana** (AIR 2003 SC 1386). At times the interests of justice may transcend the interests of mere law and this, I am satisfied, is an eminently fit case falling within the said slot. The petitioner's request endorsed by respondents 2 to 4 i.e., accused 1 to 3 can certainly be accepted.

3. The learned Public Prosecutor to whom notice has been issued does not raise any objection against the grant of the prayer.

4. In the result:

(a) This Crl.M.C. is allowed.

(b) C.C.No.688/06 pending before the learned Judicial Magistrate of the First Class, Kolenchery, shall stand quashed.

Sd/-

(R. BASANT, JUDGE)

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//true copy// P.S. To Judge